

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
301-344-0632

MEMORANDUM

TO: Counsel of Record,
FROM: Judge Peter J. Messitte
RE: Trustees of the National Automatic Sprinkler Industry Welfare Fund, et al. v.
Austin Fire Protection LLC.
No. 22-cv-2170
DATE: February 1, 2024

* * *

The Court is receipt of a Motion to Withdraw as Counsel (ECF No. 41) filed by counsel for Austin Fire Protection LLC (“Austin”). The Motion represents that Austin has been duly notified of counsel’s intention to withdraw from this case, and that Austin consents to the withdrawal. *See id.* at 1; *see also* D. Md. Local R. 101.2.

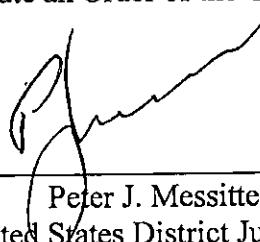
The Motion also indicates that, on the day that Plaintiffs filed their Motion for Summary Judgment (ECF No. 38), Austin’s corporate representative advised counsel that it no longer intends to defend this lawsuit. To date, Austin has not filed a response in opposition to Plaintiffs’ Motion for Summary Judgment, even though the time to do so has expired. *See* D. Md. Local R. 105.2(a).

Austin’s chosen means of notifying the Court about its refusal to defend this case—through an attorney’s motion to withdraw—is not acceptable.

Accordingly, the Court **ORDERS** Austin’s corporate representative, the Executive Vice President who disclosed the company’s litigation intentions to counsel, to file on this case’s docket, within the next fourteen (14) days, a signed certification notifying the Court of the company’s intention not to defend. Counsel for Austin **SHALL** provide a copy of this Order to the Executive Vice President.

In the interim, the Court will **DEFER** ruling on the Motion to Withdraw as Counsel (ECF No. 41) and Plaintiffs’ Motion for Summary Judgment (ECF No. 38).

Despite the informal nature of this ruling, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.



Peter J. Messitte
United States District Judge

CC: Court file
Counsel of Record